

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1770 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

YAKUBKHAN JAFARKHAN PATHAN

Versus

KHALTUJABEGAM SALAUDIN SAIYAD

Appearance:

MR MA KHARADI for Petitioner

MR YM THAKKAR for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/02/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. This revision application is directed by the plaintiff against the order of the trial court dated 25th October, 1999 whereunder the application filed by the respondent at Ex. 18 came to be granted. The advocate who in the earlier suit filed a written statement on

behalf of the defendant therein was summoned to file the affidavit as to on his behalf he has been instructed to file the written statement and who are the persons signed the written statements.

3. In the present case where there are contradictory pleas from the side of the petitioner then certainly the learned trial court is perfectly legal and justified to call for the affidavit of the advocate. The petitioner has filed the present suit for declaration that he is the owner of the property in dispute and earlier it appears to be a case where the tenancy right has been pleaded. I do not find any illegality in the order of the learned trial court. It cannot be said to be otherwise also a case decided. The order in the facts of this case cannot be put under the category of perverse order. It is a just and reasonable order which has been passed by the trial court to which no exception can be taken. Otherwise also, I fail to see in case the order impugned in this revision application is allowed to stand how it will occasion any failure of justice or will cause any irreparable injury to the petitioner. It appears to be a case where to prolong the interim relief which has been granted by the trial court in favour of the plaintiffpetitioner, this revision application appears to have been filed.

4. In the result, this revision application fails and the same is dismissed with costs. Rule discharged. Interim relief, if any, granted by this court stands vacated.

zgs/-